



General Assembly

**Substitute Bill No. 5063**

February Session, 2006

\* \_\_\_\_\_ HB05063GAE \_\_\_\_\_ 031506 \_\_\_\_\_ \*

**AN ACT CONCERNING THE EXTENSION OR RENEWAL OF CERTAIN  
CONTRACTS BY THE CONNECTICUT RESOURCES RECOVERY  
AUTHORITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 22a-266 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (b) (1) Any contracts authorized by this chapter shall be entered into  
5 by the authority [(1)] (A) on the same basis and subject to the same  
6 limitations and considerations applicable to municipal and regional  
7 resources recovery authorities pursuant to subsection (c) of section 7-  
8 273bb, and [(2)] (B) pursuant to the contracting procedures adopted  
9 under section 22a-268a, except that in entering into a contract for a  
10 resources recovery facility, solid waste facility, volume reduction plant  
11 or solid waste management system, the authority shall consider the  
12 best interests of the municipality or region to be served by such  
13 facility, plant or system.

14 (2) The authority shall not enter into or renew any contract  
15 authorized by this chapter with any person who has illegally used or  
16 obtained any property or equipment owned by the authority.

17 Sec. 2. Section 22a-268 of the general statutes is repealed and the

18 following is substituted in lieu thereof (*Effective from passage*):

19       The authority shall utilize private industry, by contract, to carry out  
20 the business, design, operating, management, marketing, planning and  
21 research and development functions of the authority, unless the  
22 authority determines that it is in the public interest to adopt another  
23 course of action. The authority is hereby empowered to enter into  
24 long-term contracts with private persons for the performance of any  
25 such functions of the authority which, in the opinion of the authority,  
26 can desirably and conveniently be carried out by a private person  
27 under contract provided any such contract shall contain such terms  
28 and conditions as will enable the authority to retain overall  
29 supervision and control of the business, design, operating,  
30 management, transportation, marketing, planning and research and  
31 development functions to be carried out or to be performed by such  
32 private persons pursuant to such contract. Such contracts shall be  
33 entered into either on a competitive negotiation or competitive bidding  
34 basis, and the authority in its discretion may select the type of contract  
35 it deems most prudent to utilize, pursuant to the contracting  
36 procedures adopted under section 22a-268a and considering the scope  
37 of work, the management complexities associated therewith, the extent  
38 of current and future technological development requirements and the  
39 best interests of the state. Whenever a long-term contract is entered  
40 into on other than a competitive bidding basis, the criteria and  
41 procedures therefor shall conform to applicable provisions of  
42 subdivision (16) of subsection (a) and subsections (b) and (c) of section  
43 22a-266, as amended by this act, provided however, that any contract  
44 for a period of over five years in duration, or any contract for which  
45 the annual consideration is greater than fifty thousand dollars shall be  
46 approved by a two-thirds vote of the authority's full board of directors.  
47 The terms and conditions of such contracts shall be determined by the  
48 authority, as shall the fees or other similar compensation to be paid to  
49 such persons for such contracts. The authority shall not enter into or  
50 renew a contract with any person who has illegally used or obtained  
51 any property or equipment owned by the authority. The contracts

52 entered into by the authority shall not be subject to the approval of any  
53 other state department, office or agency. However, copies of all  
54 contracts of the authority shall be maintained by the authority as  
55 public records, subject to the proprietary rights of any party to the  
56 contract. Nothing of the aforesaid shall be deemed to restrict the  
57 discretion of the authority to utilize its own staff and work force for the  
58 performance of any of its assigned responsibilities and functions  
59 whenever, in the discretion of the authority, it becomes necessary,  
60 convenient or desirable to do so. Any litigation with respect to any  
61 terms, conditions or provisions of any contract of the authority, or the  
62 performance or nonperformance of same by either party, shall be tried  
63 before a judge of the Superior Court of Connecticut.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-266(b)
Sec. 2	<i>from passage</i>	22a-268

**GAE**      *Joint Favorable Subst.*